

Message Text

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PAGE 01 BONN 18988 01 OF 04 201953Z

43

ACTION EUR-12

INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 PM-04 INR-07 L-03 ACDA-05 NSAE-00 PA-01 SS-15

PRS-01 SP-02 TRSE-00 SAJ-01 NSC-05 OIC-02 DODE-00

CU-02 OES-03 /064 W

----- 097291

O R 201931Z NOV 75

FM AMEMBASSY BONN

TO SECSTATE WASHDC IMMEDIATE 4528

INFO USMISSION NATO BRUSSELS

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C O N F I D E N T I A L SECTION 01 OF 04 BONN 18988

E.O. 11652: GDS

TAGS: PFOR NATO WB GW US UK FR

SUBJECT: DECEMBER QUADRIPARTITE MEETING: "ANNOTATED
AGENDA"

REF:

AS REPORTED REFTEL, BONN GROUP REACHED AD REF AGREEMENT
ON NOVEMBER 20 ON PAPER WHICH MIGHT SERVE AS BASIS FOR
DISCUSSION AT SENIOR LEVEL AND MINISTERIAL MEETINGS ON
GERMANY AND BERLIN IN CONNECTION WITH NATO MINISTERIAL.
SET OUT BELOW IS THE TEXT OF THE PAPER, REFERRED TO AS
IN MAY 1975 AS "ANNOTATED AGENDA." ACTION REQUESTED:
DEPARTMENT'S AGREEMENT TO AD REF TEXT.

BEGIN TEXT

GERMANY AND BERLIN

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PAGE 02 BONN 18988 01 OF 04 201953Z

I. THE GERMAN AND BERLIN POLICY OF THE USSR AND THE GDR

A. ACTIONS BY THE USSR TOWARDS THE END OF LAST SPRING (THE SOVIET NOTE OF MAY 12, 1975, CONCERNING THE UN DEMOGRAPHIC YEARBOOK; ATTACKS ON THE BERLIN VISIT OF MINISTER GENSCHER IN THE COMPANY OF SECRETARY KISSINGER) HAD LED THE WESTERN SIDE TO ENVISAGE THE POSSIBILITY OF A GENERAL EVOLUTION OF THE BERLIN POLICY OF THE USSR AFTER THE CONCLUSION OF THE CSCE. THE DECLARATION OF MAY 28 BY THE FOUR FOREIGN MINISTERS, REAFFIRMING THE WESTERN POSITION CONCERNING THE STATUS OF BERLIN, WAS MADE WITHIN THE CONTEXT OF THAT ANALYSIS.

B. MEANWHILE, BY REASON OF THEIR CONCERN RAPIDLY TO ACHIEVE A CONCLUSION OF THE CSCE AT THE HIGHEST LEVEL, THE USSR AND THE GDR DURING THE SUMMER GAVE EVIDENCE OF MORE FLEXIBILITY.

1. BEGINNING IN EARLY JUNE, THOSE TWO STATES INDICATED THAT THEY WOULD PREFER THAT AN END BE PUT TO THE QUARRELLING BY COMMUNIQUE AND COMMUNICATIONS CONCERNING THE STATUS OF BERLIN.

2. THE USSR AGREED TO THE INCLUSION IN THE FINAL ACT OF THE CSCE OF ACCEPTABLE PROVISIONS WHICH DID NOT PREJUDICE THE WESTERN POSITION REGARDING:

- QUADRIPARTITE RIGHTS AND RESPONSIBILITIES,
- THE PRINCIPLE OF SELF-DETERMINATION,
- PEACEFUL CHANGE OF FRONTIERS,
- THE APPLICABILITY THROUGHOUT EUROPE OF THE RESULTS OF THE CONFERENCE.

THE SOVIETS ALSO DID NOT PROTEST AGAINST THE DECLARATIONS MADE IN HELSINKI BY PRESIDENT FORD, PRESIDENT GISCARD D'ESTAING AND PRIME MINISTER WILSON ON THE APPLICABILITY OF THOSE RESULTS TO BERLIN.

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PAGE 03 BONN 18988 01 OF 04 201953Z

3. AT THE MEETINGS OF FEDERAL CHANCELLOR SCHMIDT WITH BREZHNEV AND HONECKER ON THE PERIPHERY OF THE HELSINKI SUMMIT THERE WERE EFFORTS TO MAKE PROGRESS ON THE INCLUSION OF BERLIN IN BILATERAL AGREEMENTS, ALTHOUGH CONCRETE RESULTS COULDNOT YET BE ACHIEVED.

C. A NEW HARDENING OF SOVIET AND EAST GERMAN POLICY

IS PERCEPTIBLE SINCE THE BEGINNING OF AUTUMN:

1. BERLIN IN USSR-FRG RELATIONS

THE RUSSIANS CANCELLED ON OCTOBER 18 A
VISIT TO THE WESTERN SECTORS OF BERLIN WHICH WAS TO HAVE
FOLLOWED A TOUR OF THE FRG BY A DELEGATION OF SOVIET
MAYORS, THUS GIVING, AS ON OTHER OCCASIONS, NEW EVIDENCE

CONFIDENTIAL

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PAGE 01 BONN 18988 02 OF 04 201954Z

43

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O R 201931Z NOV 75

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C O N F I D E N T I A L SECTION 02 OF 04 BONN 18988

OF THEIR EXTREME SENSITIVITY ABOUT MATTERS CONCERNED
WITH THE "TIES" BETWEEN THE FRG AND THE WESTERN
SECTORS. FURTHERMORE, THE RUSSIANS SHOWED THAT THEY
DO NOT CONSIDER THAT THE USUAL BERLIN CLAUSE, WHICH HAD
BEEN NEGOTIATED IN 1973 AS A FORMULA FOR INCLUDING THE
WESTERN SECTORS IN AGREEMENTS BETWEEN THE FRG AND THE

SOVIET UNION (THE SO-CALLED FRANK-FALIN CLAUSE), ENSURES THE AUTOMATIC AND DIRECT APPLICATION OF SUCH AGREEMENTS TO BERLIN. THIS QUESTION IS CENTRAL TO THE PENDING NEGOTIATIONS CONCERNING LEGAL ASSISTANCE, A BI-ANNUAL PROGRAM FOR THE 1973 CULTURAL AGREEMENT, AND A TECHNOLOGICAL-SCIENTIFIC AGREEMENT. NO AGREEMENT WAS ACHIEVED IN THE CONSULTATIONS OF FOREIGN MINISTERS AND THE DISCUSSIONS OF EXPERTS WHICH TOOK PLACE DURING THE STATE VISIT OF FEDERAL PRESIDENT SCHEEL TO THE USSR.

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PAGE 02 BONN 18988 02 OF 04 201954Z

2. BERLIN IN FRG-GDR RELATIONS

THE BERLIN QUESTION IS ALSO OF CENTRAL IMPORTANCE FOR FURTHER DEVELOPMENT OF RELATIONS BETWEEN THE TWO GERMAN STATES. HERE AGAIN IT IS A QUESTION OF ACHIEVING THE EFFECTIVE INCLUSION OF WEST BERLIN IN THE COOPERATION BETWEEN BONN AND EAST BERLIN WHERE THIS COOPERATION IS ESTABLISHED ON THE BASIS OF AGREEMENTS. CLAIMING THAT THE GDR CANNOT GO FURTHER IN THIS QUESTION WITH THE FRG THAN DOES THE SOVIET UNION, THE GDR ATTEMPTS NOT TO INCLUDE WEST BERLIN AT ALL, OR AT LEAST TO USE FORMULATIONS WHICH ARE DESIGNED TO PERMIT THE INCLUSION OF BERLIN TO BE QUESTIONED WHEN THE TREATIES ARE IMPLEMENTED.

AT PRESENT THE INNER-GERMAN NEGOTIATIONS CONCERNING THE RECONSTRUCTION OF THE AUTOBAHN BETWEEN HELMSTEDT AND THE BERLINER RING AND THE ENLARGEMENT OF ONE PART OF THE AUTOBAHN BERLINER RING ARE AT THE CENTER OF THE INNER-GERMAN NEGOTIATIONS. THE OUTCOME OF THESE TRAFFIC NEGOTIATIONS, ALSO INsofar AS THEY INVOLVE THE OPENING OF NEW CROSSING POINTS IN WEST BERLIN, CANNOT YET BE FORESEEN. THE GDR IS EXPLOITING WESTERN INTEREST IN THE REALIZATION OF THESE PROJECTS BY MAKING FINANCIAL DEMANDS THAT CAN ONLY BE DESCRIBED AS EXORBITANT AND BY ATTEMPTING TO PROMOTE ITS OWN VIEW OF BERLIN AS A SEPARATE POLITICAL ENTITY.

THE CONSULTATIONS AT PRESENT BEING HELD BETWEEN THE ALLIES AND THE FRG ON THESE QUESTIONS WILL BE CONTINUED, PARTICULARLY ON QUESTIONS ARISING IN THIS CONNECTION WHICH AFFECT TRANSIT TRAFFIC.

3. BERLIN AND THE USSR-GDR FRIENDSHIP TREATY

THE USSR-GDR TREATY OF OCTOBER 7 SYMBOLIZES THE RECENT EVOLUTION OF THE SOVIET AND EAST GERMAN POSITIONS. THE SUBTLE FORMULATION OF ARTICLE 7

OF THIS TREATY HAS AS ITS PRINCIPAL AIMS:

(A) TO DENY THE SPECIAL NATURE OF THE TIES
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PAGE 03 BONN 18988 02 OF 04 201954Z

BETWEEN THE FRG AND BERLIN;

(B) TO AFFIRM THE WISH OF THE TWO PARTIES
TO EXCLUDE THE FRG AS AN INTERMEDIARY
IN THEIR RELATIONS WITH WEST BERLIN;
AND

(C) THUS TO PROMOTE THE CONCEPT OF BERLIN
AS A QUASI-AUTONOMOUS ENTITY UNDER
INTERNATIONAL LAW.

THE REDUCTION DURING THE SECOND HALF OF 1975 IN THE
INTENSITY OF SOVIET PROTESTS SHOULD NOT RESULT IN
EXCESSIVE OPTIMISM. IT IS EXTREMELY UNLIKELY THAT THE
SOVIETS WILL TAKE ANY SPECTACULAR INITIATIVE BEFORE THE
NEXT CONGRESS OF THE COMMUNIST PARTY OF THE USSR. IT
MAY BE, HOWEVER, THAT THE SOVIETS, NO LONGER WISHING TO
CONTINUE THE STERILE EXCHANGES OF NOTES AND PROTESTS,
ARE IN THE PROCESS OF DEFINING A NEW, MORE SELECTIVE
AND MORE EFFICIENT STRATEGY TO MAKE THEIR VIEWS PREVAIL.
THE WESTERN SIDE MUST THEREFORE CONTINUE TO SHOW
VIGILANCE.

II. THE POLICY OF THE THREE ALLIES AND OF THE FRG

A. THE TIES BETWEEN THE WESTERN SECTORS OF BERLIN
AND THE FRG

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PAGE 01 BONN 18988 03 OF 04 201955Z

43

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INFO OCT-01 ISO-00 EURE-00 SSO-00 NSCE-00 USIE-00 INRE-00

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C O N F I D E N T I A L SECTION 03 OF 04 BONN 18988

THE RELATIVE MODERATION OF THE SOVIETS DURING THE LAST SIX MONTHS MAY BE DUE, AT LEAST IN PART, TO THE POLICY FOLLOWED BY THE WEST WITH RESPECT TO THE "MAINTENANCE AND DEVELOPMENT OF THE TIES." THE DECISION TAKEN ON EACH OCCASION BY THE FEDERAL GOVERNMENT HAS BEEN DETERMINED NOT SOLELY BY LEGAL CONSIDERATIONS BUT ALSO BY CONSIDERATIONS OF POLITICAL OPPORTUNENESS. THESE CONSIDERATIONS HAVE BEEN AND WILL CONTINUE TO BE BORNE IN MIND BY THE FOUR IN THE COURSE OF THEIR NORMAL CONSULTATIONS.

B. REPRESENTATION ABROAD OF THE INTERESTS OF THE WESTERN SECTORS

THE INTERPRETATION OF THE RESERVATIONS IN THE
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PAGE 02 BONN 18988 03 OF 04 201955Z

QA CONCERNING QUESTIONS OF SECURITY AND STATUS REMAIN AT THE CENTER OF THE DISPUTE ABOUT THE REPRESENTATION ABROAD OF THE INTERESTS OF THE WESTERN SECTORS OF BERLIN BY THE FRG. SOVIET ATTACKS IN INTERNATIONAL ORGANIZATIONS HAVE IN RECENT MONTHS BECOME LESS FREQUENT AND HAVE DIMINISHED IN INTENSITY. IN PART, THIS MAY BE BECAUSE THE SOVIETS THOUGHT IT WAS NO LONGER IN THEIR INTEREST TO PROTEST (E.G., WHEN THEY WISHED TO ACHIEVE A SPECIFIC OBJECTIVE), OR BECAUSE THEY SOUGHT TO AVOID A DIRECT DISPUTE WITH THE THREE. THE SOVIET UNION ALWAYS HAS AVAILABLE THE

ALTERNATIVE OF APPLYING PRESSURE ON THE FRG BY MEANS OF
THE USSR-FRG AND THE GDR-FRG NEGOTIATIONS.

THE APPROACH OF THE FOUR SHOULD BE TO CONTINUE
TO ENSURE THAT THE RIGHT OF REPRESENTATION BY THE FRG
BECOMES ESTABLISHED, IN THE EYES OF THE INTERNATIONAL
COMMUNITY, TO THE POINT THAT IT IS NEITHER GREATER NOR
LESS THAN WHAT IS PROVIDED FOR IN THE QUADRIPARTITE
AGREEMENT. THIS MEANS:

1. CLOSE CONSULTATION BETWEEN THE FRG AND THE
THREE TO ENSURE THAT ALL RELEVANT PROVISIONS OF THE
QUADRIPARTITE AGREEMENT ARE OBSERVED;

2. THAT THE THREE ASSIST THE FRG IN DEFENDING,
IN INTERNATIONAL FORA, ITS RIGHT TO REPRESENT THE
INTERESTS OF THE WESTERN SECTORS OR TO INCLUDE PERMANENT
RESIDENTS OF THE WESTERN SECTORS IN FEDERAL DELEGATIONS;

3. THAT THE FRG CONTINUES TO INSIST ON ITS
RIGHT TO REPRESENT THE INTERESTS OF THE WESTERN SECTORS
IN ITS BILATERAL NEGOTIATIONS AND OPPOSES IN PARTICULAR
THE INSISTENCE OF THE GDR ON NEGOTIATING ONLY WITH THE
SENAT IN ORDER TO ADVANCE ITS THEORY OF THE WSB AS AN
INDEPENDENT POLITICAL ENTITY. THE THREE POWERS SUPPORT
THE DETERMINATION OF THE FRG TO PERSIST IN ITS EFFORTS
TOWARD THIS END.

C. BERLIN AND THE EC

RELATIONS BETWEEN BERLIN AND THE EC WILL
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PAGE 03 BONN 18988 03 OF 04 201955Z

PROBABLY CONSTITUTE IN THE COMING MONTHS THE MAIN THEME
OF SOVIET PROTESTS. THIS IS THE PROBLEM MOST LIKELY TO
HAVE PRACTICAL AND IMPORTANT CONSEQUENCES.

-- IN GENERAL, THE ALLIES WILL ENDEAVOR TO HAVE
BERLIN PARTICIPATE FULLY IN THE ACTIVITIES OF THE EC.

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PAGE 01 BONN 18988 04 OF 04 201955Z

43

ACTION EUR-12

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C O N F I D E N T I A L SECTION 04 OF 04 BONN 18988

THIS IMPLIES THAT THE POSITION OF BERLIN WITHIN THE
COMMUNITY MUST NOT BE WEAKENED BY REASON OF THE DEVELOP-
MENT OF THE LATTER.

-- THE THREE POWERS AND THE FRG OUGHT, AT THE
SAME TIME, TO CONTINUE TO ENSURE THAT NO DECISION OF THE
EC AFFECT THE STATUS OF BERLIN OR BE INCONSISTENT WITH
THE QUADRIPARTITE AGREEMENT. THIS MEANS THAT BERLIN
WILL NOT NECESSARILY ENJOY IN ALL CIRCUMSTANCES A REGIME
COMPLETELY IDENTICAL TO THAT OF THE COMMUNITY. IT
REQUIRES EQUALLY THAT THE ALLIES BE IN A POSITION TO
STUDY IN ADVANCE COMMUNITY PLANS THE APPLICATION OF WHICH
TO BERLIN COULD CAUSE PROBLEMS, AND TO PLAY A PART AS
NECESSARY IN THE DEVELOPMENT OF THESE PLANS. THE
COOPERATION BETWEEN THE FOUR SHOULD PERMIT THEM TO
CONTINUE TO FORESEE DIFFICULTIES WHICH IT WOULD NOT BE
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PAGE 02 BONN 18988 04 OF 04 201955Z

IN THE INTEREST EITHER OF THE THREE OR OF THE FRG TO BE
FORCED TO COPE WITH AFTER THE FACT.

-- IT IS IN THIS SPIRIT THAT THE THREE POWERS
HAVE ENTERED INTO INFORMAL CONSULTATIONS WITH THE FRG
CONCERNING DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT.
THE FOUR AIM JOINTLY TO ACHIEVE A SOLUTION WHICH WILL
PERMIT THE FULLEST POSSIBLE REPRESENTATION OF THE
INTERESTS OF BERLIN IN THE EUROPEAN PARLIAMENT IN A
MANNER CONSISTENT WITH ALLIED RIGHTS AND
RESPONSIBILITIES AND THE QUADRIPARTITE AGREEMENT.
END TEXT.

COMMENT: FINAL PARAGRAPH ABOVE WAS AGREED UPON AS AN
INTERIM APPROACH TO THE PENDING QUESTION OF BERLIN AND
DIRECT ELECTIONS TO THE EUROPEAN PARLIAMENT. IF A
PRELIMINARY SOLUTION TO THAT PROBLEM HAS BEEN REACHED
BEFORE THE BRUSSELS MEETINGS, THE BONN GROUP WOULD EXPECT
TO REVISE THAT PARAGRAPH ACCORDINGLY. END COMMENT.
HILLENBRAND

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETING AGENDA, BERLIN QUADRIpartite MATTERS, MINISTERIAL MEETINGS, GUIDANCE INSTRUCTIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BONN18988
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750405-0068
From: BONN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19751126/aaaaawly.tel
Line Count: 456
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 9
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 28 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 APR 2003 by BoyleJA>; APPROVED <29 APR 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: DECEMBER QUADRIpartite MEETING: "ANNOTATED AGENDA"
TAGS: PFOR, WB, GE, US, UK, FR, NATO
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006